BOMBAY ACT No. XXXI OF 1953.[1]

[THE BOMBAY UNIVERSITY ACT, 1953.]

[*18th May 1953*]

Amended by Bom. 2 of 1954.
" " " 30 of 1954.

An Act to amend and consolidate the law relating to the University of Bombay.

WHEREAS, consequent upon the establishment of other Universities as a measure in the decentralisation and reorganisation of University education in the State of Bombay, it is necessary to reconstitute the University of Bombay into a teaching and federal University in order to enable it to provide greater facilities for University education and whereas it is necessary and expedient for the said purposes to amend and consolidate the law relating to the said University; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Bombay University Act, 1953.

(*2*) The State Government may, by notification in the *Official Gazette*, direct that this Act shall come into force on such date as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*1*) "affiliated college" means a college affiliated under section 50 and includes also a college deemed to be affiliated under section 65;

(*2*) "college" means a degree college or an intermediate college;

(*3*) "constituent college" means a university college or an affiliated college made constituent under section 56;

(*4*) "degree college" means a college, which is authorized to submit its students to an examination qualifying for any degree of the University;

(*5*) "department" means a department designated as such by the Ordinances with reference to a subject or a group of subjects;

(*6*) "Director of Education" means the Director of Education Bombay State;

(*7*) "Fellow" means an *ex-officio* Fellow or an Ordinary Fellow appointed under the provisions of this Act;

(*8*) "Head Master" means the head of a High School;

(*9*) "Head of Department" means a teacher principally responsible for instruction, training or research in a department;

(*10*) "High School" means a high school which has been recognized as a full-fledged high school by the Director of Education, or by an officer authorized by him in that behalf;

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1933, Part V pp. 207-209.

(*11*) "hostel" means a unit of residence for students maintained or recognized by the University under this Act;

(*12*) "intermediate college" means a college other than a degree college;

(*13*) "prescribed" means prescribed by Statues, Ordinances or Regulations;

(*14*) "Principal" means the head of a college;

(*15*) "recognized institution" means an institution recognized under section 52 and includes also an institution deemed to have been recognized under section 65;

(*16*) "registered graduate" means a graduate registered under section 17 and includes a graduate deemed to have been registered under section 65;

(*17*) "Schedule" means a schedule appended to this Act;

(*18*) "secondary teachers" means such class of teachers imparting instruction in High Schools as may be declared to be secondary teachers by Statutes;

(*19*) "Statues", "Ordinances" and "Regulations" mean respectively, the Statutes, Ordinances and Regulations of the University made or deemed to have been made under this Act and for the time being in force;

(*20*) "teacher" means a professor, reader or lecturer, imparting instruction or guiding research in the University, an affiliated college or recognized institution or such other person as may be declared to be a teacher by the Statues;

(*21*) "Teacher of the University" means a teacher appointed or recognized by the University for imparting instruction on its behalf;

(*22*) "University" means the University of Bombay as reconstituted under this Act;

(*23*) "University Area" means the area comprised in Greater Bombay;

(*24*) "University College" means a college which the University may establish or maintain under this Act or a college transferred to the University and maintained by it;

(*25*) "University Department" means any collegiate or post-graduate or research institution or department maintained by the University;

(*26*) "University Professor", "University Reader" or "University Lecturer" means a professor, reader or lecturer appointed or recognized as such by the University.

CHAPTER II.

THE UNIVERSITY.

Incorporation of the University.

3. (*1*) The Chancellor, the Vice-Chancellor, the Rector, if any, the Fellows, the members of the Syndicate and the Academic Council of the University and all persons who are deemed to be or may be appointed or elected as such officers, Fellows or members under this Act, so long as they continue to be such officers, Fellows or members, are hereby constituted and declared to be one body corporate by the name of the University of Bombay, and such body corporate shall, by such name, have perpetual succession and a common seal, and by such name shall sue and be sued.

(*2*) The University shall be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in, or may have been acquired by it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

Honorary degrees.

41. If not less than two-thirds of the members of the Syndicate recommend that an honorary degree be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such a degree and where their recommendation is supported by not less than two-thirds of the Fellows present at a meeting of the Senate and is confirmed by the Chancellor, the Senate may confer on such person the honorary degree so recommended without requiring him to undergo any examination.

Removal from membership of University and withdrawal of degree or diploma.

42. (*1*) The Chancellor may, on the recommendation of the Syndicate and of the Senate supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or degree or other academic distinctions if he has been convicted by a court of law of any offence which, in the opinion of the Syndicate and the Senate, is a serious offence involving moral turpitude or if he has been guilty of disgraceful conduct.

(*2*) No action under this section shall be taken unless the person concerned is given an opportunity to be heard in his defence in the manner prescribed by the Statutes.

CHAPTER VI.

FINANCE.

University Fund.

43. (*1*) The University shall establish a fund to be called the University Fund.

(*2*) The following shall form part of, or be paid into, the University Fund :—

(*a*) any contribution or grant by Government,

(*b*) the income of the University from all sources including income from fees and charges,

(*c*) trusts, bequests, donations, endowments and other grants, if any.

(*3*) The University Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, [1][or in a co-operative bank approved by the State Government for the purpose or invested] in securities authorised by the Indian Trusts Act, 1882, at the discretion of the Syndicate.

II of 1934.

II of 1882.

(*4*) Nothing in this section shall in any way affect any obligations accepted by or imposed upon the University by any declarations of trust executed by or on behalf of the University for the administration of any trust.

Annual accounts and financial estimates.

44. (*1*) The annual accounts of the University shall be prepared under the direction of the Syndicate and shall be submitted to the State Government for audit.

(*2*) The accounts when audited shall be published by the Syndicate and a copy thereof shall, together with a copy of the audit report, be submitted to the Senate.

(*3*) The Syndicate shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(*4*) The annual accounts and the financial estimates shall be considered by the Senate at its annual meeting and may be passed with such modifications as the Senate may deem fit.

Annual report.

45. The annual report of the University shall be prepared under the direction of the Syndicate and shall be submitted to the Senate on or before such date as may be prescribed by the Statutes and shall be considered by the Senate at the annual meeting. The Senate shall adopt the report with modifications, if any, which it may direct the Syndicate to make therein in accordance with the resolutions passed by the Senate in that behalf.

[1] These words were substituted for the words " or invested " by Bom. 30 of 1954, s. 33.

CHAPTER VII.

STATUTES, ORDINANCES AND REGULATIONS.

Statutes.

46. Subject to the provisions of this Act, the Senate may, from time to time, make Statutes for all or any of the following matters, namely :—

(*a*) the declaration of any person to be a "teacher" under clause (*20*) of section 2 ;

(*b*) the declaration of other bodies to be the authorities of the University as provided in clause (*7*) of section 15 ;

(*c*) the manner of election of Fellows and the members of the Syndicate and the Boards of University Teaching, and the terms and conditions of their office, registration of graduates and maintenance of a register of registered graduates and the filling up of casual vacancies in the Senate, the Syndicate, the Academic Council, the Boards of Studies and the Boards of University Teaching ;

(*d*) the powers of the Vice-Chancellor ;

(*e*) the powers and duties of the Rector, if any, and the conditions of his service and of the Registrar and the officers and servants of the University ;

(*f*) the constitution, reconstitution or abolition of Faculties and the powers and duties of Faculties ;

(*g*) the procedure at a meeting of the Senate, the Syndicate, the Academic Council, the Boards of Studies, and the Boards of University Teaching and the quorum of members to be required for the transaction of business ;

(*h*) the powers, duties and functions of Boards of Studies and the allocations of Boards among the Faculties ;

(*i*) the constitution, powers and duties of the authorities of the University save as provided in this Act ;

(*j*) the institution and conferment of degrees and the granting of diplomas, and other academic distinctions in respect of degrees and examinations ;

(*k*) recognition as registered graduates of persons who are graduates of any other University ;

(*l*) the institution of pension or provident fund or both for the benefit of the officers, teachers and other servants of the University ;

(*m*) qualifications of professors, readers, lecturers and other teachers in affiliated colleges and regognised institutions ;

(*n*) all matters which, by this Act, are to be or may be prescribed by the Statutes ;

(*o*) any other matter which is necessary to give effect to the provisions of this Act.

Statutes—their framing amendment, repeal and operation.

47. (*1*) The Statutes may be made, amended or repealed by the Senate in the manner hereinafter provided.

(*2*) The Senate may take into consideration the draft of a Statute either of its own motion or on a proposal by the Syndicate. In the case of a draft which is not prepared by the Syndicate, the Senate, before considering the same, shall obtain the opinion of the Syndicate :

Provided that if the Syndicate fails to submit its opinion within three months from the date it receives the draft, the Senate may proceed to take the draft into consideration.